



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Corporate Assets & Strategic Planning Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	May 22, 2014
SUBJECT/REPORT NO:	Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic (PW14051) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Adam Sweedland, Supervisor (905) 546-2424, Extension 5089
SUBMITTED BY:	Gerry Davis, CMA General Manager Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That a portion of the public assumed alleyway running parallel to Province Street North and Graham Avenue North, Hamilton, be permanently closed, as shown on Appendix A, attached to Report PW14051;
- (b) That a portion of Roxborough Avenue road allowance, be permanently closed to vehicular traffic, as shown on Appendix A, attached to Report PW14051;
- (c) That a portion of land described as the southerly 3.048 metres of Lot 449, Plan 497 (municipally known as 112 Province Street North), be established and laid out as a public highway, as shown on Appendix A, attached to Report PW14051;
- (d) That, subject to approval of recommendations (a), (b) and (c) in Report PW14051:
 - (i) the Manager, Geomatics and Corridor Management, be authorized and directed to prepare and deposit a reference plan under the Registry Act showing the parts to be closed and the established a portion of Lot 449, Plan 497 as a public highway;
 - (ii) the City Solicitor be authorized and directed to prepare the appropriate by-laws to give effect to recommendations (a), (b) and (c);
 - (iii) that the appropriate by-laws be introduced and enacted by Council;
 - (iv) that the City Solicitor be authorized and directed to register certified copies of the by-laws in the proper land registry office;
 - (v) that the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

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EXECUTIVE SUMMARY

The Crown Point East neighbourhood is an area of parkland deficiency in the City of Hamilton. In 1980, a neighbourhood plan showed a future park in the area between Province Street North and Graham Avenue North, at Roxborough Avenue. To facilitate this park development, the City purchased properties over the years on a willing-seller basis to assemble the lands required to develop the Crown Point East Neighbourhood Park. The plan also includes the permanent closure of a portion of the public assumed alleyway traversing the park between Province Street North and Graham Avenue North. As well, it is proposed that a portion of Roxborough Avenue be closed to vehicular traffic.

The portion of Roxborough Avenue to be closed will be converted to a pedestrian space for use by the public for hard-surface activities such as ball hockey or street festivals. Additionally, the pedestrianization of this portion of Roxborough Avenue will create a safe transition between the parkland and Queen Mary School.

Public Information Centres were held on November 1, 2011, and June 6, 2012, to discuss the plans for the park, including the closures of the alleyway and Roxborough Avenue. Staff circulated the proposed closures to the registered owners of properties situated within a 400' (121.9m) radius of the park. Of the 104 notices sent, six responses were received in favour of the proposal and eleven responded as being opposed.

The opposition largely relates to issues regarding impacts to emergency vehicle response time, street parking availability and continued access to the alleyway. Those residents who indicated their opposition were invited to a special meeting on March 3, 2014, with staff and the Ward Councillor to discuss their concerns and look for solutions. Only one resident attended and he was satisfied with the discussion that took place and now supports the plan.

There are no properties which abut the portion of alleyway to be closed. There are approximately 27 properties which have access to the assumed alleyway. The assumed alleyway provides vehicular access to some of the properties from Roxborough Avenue on the north. As a result of the proposed closures, some residents would lose guaranteed vehicular access to their driveways and garages. To address this, Landscape Architectural Services have incorporated an access at the south-west corner of the park from Province Street North to the remaining open portion of the assumed alleyway. This will be established and laid out as a public highway under the Municipal Act, 2001 to ensure continued access and construction will be incorporated in the park development.

Internal divisions were also circulated on the proposed closures. The Operations Division noted that the closure of Roxborough would require a change to the routing of snow plows and street sweepers. The Hamilton Fire Department noted that the closures could represent a marginal increase in travel time for apparatus responding from the Kenilworth Fire Station to a small area west from Graham, but that this could be overcome by a change to the traffic by-law to exempt authorized emergency vehicles

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to turn left onto Cannon Street from Kenilworth Avenue North in emergency situations. The Manager of Traffic Operations & Engineering will bring a by-law to amend the traffic by-law just before the closures are commenced.

Staff support the permanent closure of the subject lands as the issues raised have been addressed and the closure is a requirement to the development of the park.

Alternatives for Consideration - See Page 6

FINANCIAL - STAFFING - LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The City Solicitor will prepare the by-laws required to permanently close the Subject Lands and to establish and lay out the new public highway. These will be registered in the Registry Office once Council has approved the by-laws.

HISTORICAL BACKGROUND

In 1980, a neighbourhood plan showed a future park in the area between Province Street North and Graham Avenue North, at Roxborough Avenue. To facilitate this park development, the City purchased properties over the years on a willing-seller basis to assemble the lands required to develop the Crown Point East Neighbourhood Park. Six properties were purchased along Province Street North (Nos. 112 - 124) and five properties were acquired along Graham Avenue North (Nos. 107 - 119) which is sufficient land to enable the park development to now proceed. Funding for the development of the park, which includes the creation of the new alleyway paved access, was approved in the 2013 Capital Budget process.

Landscape Architectural Services submitted an application to permanently close a portion of public assumed alleyway that traverses the lands already acquired by the City and which will be closed to form part of the new park. The assumed alleyway runs from Roxborough Avenue on the north stopping at a parcel of land owned by the City and used by Hamilton Water for two water mains.

It is also being proposed that a portion of Roxborough Avenue be closed to vehicular traffic to provide a safe transition between Queen Mary Elementary School and the new park. The portion of Roxborough Avenue to be closed will be converted to a pedestrian space for use by the public for hard-surface activities such as ball hockey or street festivals. The area is proposed to be painted with a durable StreetBond product or alternate, as part of a community art project. This treatment will protect current infrastructure under the road, as well as reduce the heat from the asphalt, making the space more comfortable for use by pedestrians.

To address the potential loss of access to the remainder of the existing assumed alleyway, it was decided that a new access should be created from Province Street North. This will be established and laid out as a public highway pursuant to the

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Municipal Act, 2001 to ensure that residents along Province Street North and Graham Avenue North are provided with continued vehicular access to existing rear parking.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A by-law must be passed to permanently close the Subject Lands in accordance with the Municipal Act, 2001.

A by-law must be passed to establish and lay out the new paved access as a public highway in accordance with the Municipal Act, 2001.

The Alleyway Management Program endeavours to address citizen inputs, interests and concerns while balancing the overall benefit to the local community. Staff consider this closure advantageous to the surrounding area in terms of aesthetic improvements and security.

Crown Point Neighbourhood Action Plan identifies Crown Point East Neighbourhood Park as a new park initiative and neighbourhood asset. The closures facilitate the establishment of the new park and support objectives set out in the Action Plan.

The closure of this alley supports the Strategic Plan objectives of enhancing overall sustainability and implementing processes to improve effectiveness and efficiency.

RELEVANT CONSULTATION

As part of the process to development the Crown Point East Neighbourhood Park, City staff and the Ward Councillor hosted two Public Information Centres held on November 3, 2011, and June 6, 2012, respectively. There was also a public barbeque event held to raise awareness of the future parkland development project. Discussion about the proposed closure of the Subject Lands was included at these events. In addition, Landscape Architectural Services staff met with representatives and staff from Queen Mary Elementary School on three occasions to provide updates and seek input on this initiative.

As part of the process to permanently close a public highway, notice of the proposed closure is sent to all registered owners of properties located within a 400 foot (121.9 metre) radius of the Subject Lands, as shown on Appendix B, attached to Report PW14051. In this instance, there were 104 property owners notified of the proposal. There were six responses received in support of the application. There were eleven responses received objecting the application.

To allow staff to better understand the responses received in opposition, those property owners who indicated they were opposed to the application were invited to attend a meeting with staff and the Ward Councillor on March 3, 2014. One resident attended this meeting to discuss his concerns regarding continued access to the alleyway.

The responses received in opposition to the application can be summarized as relating to three main issues:

- Loss of on-street parking caused by the closure of Roxborough Avenue;

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- Increased response time for Emergency Vehicles for properties on the west side of the closed area of Roxborough Avenue; and
- Continued access to alleyway;

Loss of Parking: Impacts to existing parking will be minimal. Currently, the north side of the proposed area of Roxborough to be closed is a signed no-stopping zone. The south side of the proposed area of Roxborough includes the curb cuts which provide access to the alleyway and to driveways for former residential properties. At most, it could possibly accommodate legal on-street parking for four or five small vehicles.

Increased Response Time for Emergency Vehicles: The Hamilton Fire Department has reviewed the impact of the proposed changes to Roxborough Avenue and believes the proposed closure would potentially represent only a very marginal increase in travel time for apparatus responding from the Kenilworth Fire Station. Staff from the Hamilton Fire Department has suggested that this can be overcome by a change to the signage at the intersection of Kenilworth Avenue North and Cannon Street to allow left turns for emergency vehicles. The Manager of Traffic Operations and Engineering will bring a by-law to exempt authorized emergency vehicles from the left turn restriction to Council following the closure.

Continued Access to Alleyway: Landscape Architectural Services have included the provision of a new paved driveway to ensure continued access to and from the remainder of the alleyway to Province Street North. This will be established as a public highway by by-law and included as part of the City's inventory of assumed alleyways. Continued access to the remainder of the alleyway is also important to ensure there are no further pressures on on-street parking availability. The property owner who attended the March 3, 2014, meeting also supported this solution.

The following City Departments and Divisions were provided with a copy of this application and invited to provide comments:

- Planning and Economic Development Department: Development Engineering, Building Services, Economic Development and Real Estate and Planning
- Public Works Department: Engineering Services, Hamilton Water, Operations, Transportation and Corporate Assets and Strategic Planning
- Community and Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor

The Operations Division (Roads Operations, District North Section) commented that this would require changes to current snow plowing and street sweeping routes.

The Engineering Division (Geomatics & Corridor Management Section) reviewed and provided comments on the functional design requirements for the new paved access to the existing alleyway and barriers at the Roxborough closure to promote pedestrian safety.

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The Corporate Assets and Strategic Planning Division (Traffic Operations & Engineering Section) will bring the appropriate amending by-law to Council to exempt authorized emergency vehicles to turn left on Cannon Street from Kenilworth. This will be done before the closure of Roxborough Avenue takes place under the existing delegated authority to the Manager of Traffic Operations & Engineering.

The Transportation Division (Transportation Planning Section) had no objections to proposed closure provided access was maintained to the alleyway.

The Director of Neighbourhood and Community Initiatives has no objection to the proposed closure and concurs that it is a positive proposal for the neighbourhood.

Public utilities including Horizon Utilities, Hydro One, Bell and Union Gas were circulated for comment and no negative comments were received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Crown Point East neighbourhood has a parkland requirement of 3.57 hectares, but currently has only 0.59 hectares of parkland (R.T. Steele Park), leaving a deficiency of 2.97 hectares. This is based on the 2011 Census population of 5,095. The City has invested time and funds in the acquisition of the lands necessary to develop the Crown Point East Neighbourhood Park and, in the 2013 Capital Budget process, approved the budget for the construction of the park. The completed park will add 0.25 hectares to the current parkland inventory, reducing the Crown Point East neighbourhood parkland deficiency to 2.72 hectares.

The Crown Point Neighbourhood was identified as the focus for a Neighbourhood Development Strategy in 2011. On February 23, 2014, Council endorsed the Crown Point Neighbourhood Action Plan and the proposed closure supports objectives identified in the action plan.

In addition, as there were no objections from any owner of a property sharing a common property line with the Subject Lands and as staff have worked with the neighbouring property owners to identify and find suitable solutions to their concerns, staff are recommending the permanent closure of the portion of the assumed alleyway and the closure of a portion of Roxborough Avenue to vehicular traffic.

ALTERNATIVES FOR CONSIDERATION

The internal application for the permanent closure of a portion of assumed alleyway and the closure of a portion of Roxborough Avenue to vehicular traffic could be denied. In that event, given the layout of the assembled lands, it would not be possible to continue with the development of the Park. Given the time and resources invested in assembling the land, staff do not recommend this alternative.

The portion of assumed alleyway could be permanently closed but the portion of Roxborough Avenue could remain open to vehicular traffic. In this scenario, the park would not have a safe transition from Queen Mary School on the north. This alternative

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was also discussed during the consultation for the development of the park and was not widely supported. Staff do not recommend this alternative.

ALIGNMENT TO THE 2012 - 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" Aerial Drawing

Appendix "B" Location Plan